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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/728,152
Filing Date: December 01, 2000
Appellant(s): GILBERT, MICHAEL H.

Ronald Reichman
Reg. No. 26,796
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04 January 2008 appealing from the Office action mailed 09 August 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0026394	SAVAGE ET AL	2-2002
2002/0069163	GILBERT	6-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 8-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Savage et al. (hereinafter Savage) U.S. Publication No. 2002/0026394 A1 (Now U.S. Patent 7,236,950) .

Regarding claim 1, Savage teaches a method of generating and processing billing and payment information utilizing computing units connected to a network for a service provided cooperatively by multiple tiers, the method comprising the steps of (page 6, paragraph 0058 and Figure 3: Examiner notes computing system along with software modules for performing various computing tasks):

Collecting by a first computing unit usage information by a direct feed of raw data of the service from a meter by a customer from one of a first tier of the multiple tiers or a third party (page 13, paragraph 0098);

Integrating by a second computing unit the usage information with customer profile information of the customer provided by a second tier of the multiple tiers (page 13, paragraph 0099);

Generating by a third computer unit billing information based on the usage information the customer profile information and rate information for the service (page 14, paragraph 0101); and

Transmitting by a fourth computer unit a bill based on the billing information to the customer (page 15, paragraph 0110).

Claim 2, wherein the first computer unit collects the usage information from the first tier that includes a distributor of the service that is different from a generator or a provider of the service (page 3, paragraph 0018: Examiner notes that the billing method and system is acting as a distributor of the service, which is different from the provider who actually provides the service).

Claim 3, wherein the second computer unit integrates the usage information with customer profile information provided by one of a generator, a distributor or a provider of the service (page 13, paragraph 0098).

Claim 4, wherein the third computer unit generates billing information using rate information from one of a generator, a distributor, or a provider of the service (column 14, paragraph 101 and page 9, paragraph 0073).

Claim 5, wherein the fourth computer unit generates and transmits the bill to the customer in the form of a paper mailing (page 15, paragraph 0110 and Figure 1, 112).

Claim 8, further comprising: processing by a fifth computer unit payment information received from the customer; and allocating by a sixth computing unit payments, based on the payment information, to pay service providers at the multiple tiers from the payment information received from the customer (page 15, paragraph 0111).

Claim 9, wherein the step of allocating payments includes allocating payments to one or more of a generator, a distributor, or a provider of the service (page 15, paragraph 0111 and Figure 28).

Claim 10, wherein the service includes utility service (page 5, paragraph 0054).

Claim 11, wherein the utility service includes one of power, water, gas, cable television, telephone, Internet, or satellite television services (page 5, paragraph 0054).

Claim 12, wherein the fourth computer unit transmits the billing information for electric bill presentment to the customer using a public or private electronic network (page 5, paragraph 0054, page 6, paragraph 0057 and page 15, paragraph 0110).

Claim 13, wherein the public electronic network includes the Internet (page 5, paragraph 0054, page 6, paragraph 0057 and page 15, paragraph 0110).

Claim 14, wherein the step of transmitting the bill to the customer includes providing the billing information to a third party bill payment service (page 6, paragraph 0058: Examiner notes that the retail company bill aggregator as well as the financial institution aggregator (CAP) are third party payment services between the supply chain vendors and the customer).

Claim 15, wherein the step of processing payment information includes using a third party authentication or verification service (page 6, paragraph 0058: Examiner notes that the retail company bill aggregator as well as the financial institution aggregator (CAP) are third party payment services between the supply chain vendors and the customer which include services such as validation).

Claim 16, further comprising the step of performing a seventh computer unit that is programmed to perform data mining using the usage information and the customer profile information (column 2, paragraph 0013, page 3, paragraph 0021 and page 6, paragraph 0061).

Claim 17, further comprising the step of performing data mining using the usage information, the customer profile information and the payment information (column 2, paragraph 0013, page 3, paragraph 0021 and page 6, paragraph 0061).

Claim 18, further comprising the step of using results of the data mining step to determine which additional services to offer to the customer).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Savage et al. (hereinafter Savage) U.S. Publication No. 2002/0026394 A1 in view of Carlin et al. (hereinafter Carlin) U.S. Patent 6,697,843 B1.

Regarding claims 6 and 7 Savage teaches that bills may be delivered to the customer by paper invoice (page 15, paragraph 0110). Savage fails to teach printing the bill at an optimal mailing location based on the address, transportation cost, environmental impact or mail capacity of a distributor and mailing the bill to the customer. Carlin teaches a system and method for hybrid mail with distribution processing wherein multiple mail centers produce finished mail pieces sorted based on zip code (column 3, lines 35-59). Carlin further teaches that mailing data includes billing amounts when forming the finished mail pieces (column 4, lines 37-65). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the mailing teachings of Savage to include printing the bill at an optimal location based on address information as taught by Carlin because it increases the speed and lowers the cost for delivering a paper bill to a customer.

(10) Response to Argument

The Examiner summarizes the various points raised by the Appellant and addresses them individually.

A. Rejection of claims 1-5 and 8-18 as being anticipated by Savage.

5. Regarding independent claims 1-5 and 8-18, Appellant argues that the cited prior art fails to teach *collecting by a first computer unit usage information by a direct feed of raw data of the service from a meter by a customer from one of a first tier of the multiple tiers or a third party* (Appeal Brief, pages 7-10).

In Response: The Examiner respectfully disagrees. Savage first discloses receiving into the computer system an energy usage data feed, from a vendor such as an energy retailer and then the bill calculation computer system calculates the charged and taxes based on pricing parameters and usage (page 5, paragraph 0055). Savage further discloses accepting energy usage in kWh/BTU (raw data) to calculate a bill (pages 12-13, paragraph 0094). The usage database maintains energy usage data including meter detail (pages 12-13, paragraph 0094). Savage also discloses receiving raw usage data such as KWh and MCMF from supply chain vendors which includes information about the usage, including meter number, last reading, current reading start and end dates (page 13, paragraph 0098). Further, Savage discloses line items in the billing that include data provided by the vendor such as meter readings and meter numbers (page 14, paragraph 0101). Savage also discloses re-reading meters for disputes in energy bills (pages 11-12, paragraph 0088). Lastly, Savage also discloses that the statement generation system takes the charges from the retail aggregator and the credit card and the telephony direct feeds, to place them on a single bill (page 15, paragraph 0110).

For these reasons, Savage clearly discloses that the usage information is received by a direct feed of raw data for the service from a meter as claimed by Appellant. Therefore Appellant's arguments regarding claims 1-5 and 8-18 are not persuasive.

B. Rejection of claims 6 and 7 over Savage in view of Carlin.

6. Regarding independent claims 6 and 7, Appellant argues that the cited prior art fails to teach *printing the bill at an optimal mailing location based on address information of the customer and mailing the bill from the optimal location based on at least zip-code* (Appeal Brief pages 10-13).

In Response: The Examiner respectfully disagrees with the Appellant. Savage teaches that bills may be delivered to the customer by paper invoice (page 15, paragraph 0110). Savage fails to teach printing the bill at an optimal mailing location based on the address, transportation cost, environmental impact or mail capacity of a distributor and mailing the bill to the customer. Carlin teaches a system and method for hybrid mail with distribution processing wherein multiple mail centers produce finished mail pieces sorted based on zip code (column 3, lines 35-59). Carlin teaches producing mail with information such as account number and billing amount (column 3, lines 12-23; Examiner notes that this is for printing bills at the mail site). Carlin teaches that variable data which includes zip codes (i.e. address information) is sorted and transmitted to a geographically appropriate mail production facility to become a finished mail piece for mailing (column 3, lines 23-45). Therefore the mail is being produced at the appropriate geographic location (i.e. optimal) based on the zip code of it's destination (i.e. the customer). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the mailing teachings of Savage to include printing the bill at an

optimal location based on address information as taught by Carlin because it increases the speed and lowers the cost for delivering a paper bill to a customer by printing the bill at a closer proximity to the customer. The teaches of Savage and Carlin are analogous because the prior art is in the field of applicant's endeavor and are reasonably pertinent to the particular problem with which the applicant was concerned; delivering billing information to a customer.

For these reasons, Appellant's arguments regarding claims 6 and 7 are not persuasive and thus stand rejected.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Stefanos Karmis/
Art Unit 3693
27 February 2008

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